REMARKS

Claims 1-4, 6-20, and 22-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent Number 6,345,349 to Coulson (hereinafter "Coulson"). Claims 5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coulson in view of United States Patent Number 6,678,858 to Imazato (hereinafter "Imazato").

For the Examiner's convenience and reference, Applicants' remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action. Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references.

Applicants thank the Examiner for the telephone interview of June 23, 2006. As a result of the interview, Applicants have amended claims 1, 6, 11, 16, 22, and 27. The amendments are fully supported by the specification. Specifically, claims 1, 6, 11, 16, 22, and 27 are amended with the limitations of claims 2, 7, 12, 17, 23, and 28.

Claims 1, 6, 11, 16, 22, and 27 are further amended with the limitation of prefetching "...a data packet from a first location into a second location in anticipation of receiving a request for the prefetched data packet and prior to receiving the request..." Claim 1 as amended. See also claims 6, 11, 16, 22, and 27 as amended. The amendments are fully supported by the specification, which discloses retrieving more data than the quantity of data presently requested by the requester. Paragraph 46, Lines 1-2. In addition, the specification teaches associating the

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identifier with the prefetched data packet if the prefetched data packet contains the uncorrectable error. Paragraph 51, Lines 2-4. The association is prior to a transmission of the prefetched data packet occasioned by a request for the data packet. Fig. 8, Refs. 808, 812.

Claims 1, 6, 11, 16, 22, and 27 are further amended to clarify that error recovery process is initiated when the prefetched data packet is transferred if the identifier is associated with the prefetched data packet. Paragraph 87; Fig. 8, Refs. 812, 814.

Claims 2, 7, 12, 17, 23, and 28 are canceled. Claims 3, 8, 9, 13, 18, 19, 24, 25, and 29 are also amended to depend from pending claims.

During the telephone interview of June 23, the Examiner and Applicant discussed amendments relating to the error recovery process. As a result, Applicants have added new claims 31-36 directed to the error recovery process. Specifically, claims 31-36 are directed to "…re-retrieving the data packet from the first location…" Claim 31. See also claims 32-36. The amendment is fully supported by the specification, which discloses the error recovery process including "…re-retrieving the data packet from the first location…" Paragraph 54, Lines 2-4.

Response to rejections of claims under 35 U.S.C. § 102.

Claims 1-4, 6-20, and 22-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent Number 6,345,349 to Coulson. Applicants respectfully traverse these rejections.

Applicants have amended independent claims 1, 6, 11, 16, 22, and 27 to include the

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limitations that the data packet is prefetched in anticipation of receiving a request, that the identifier is associated with the prefetched data packet prior to receiving the request for the prefetched data packet, and that the error recovery process is initiated for the transferred data packet if the identifier is associated with the data packet. Claims 1, 6, 11, 16, 22, and 27 as amended. Thus the present invention claims prefetching a data packet, associating an identifier with the prefetched data packet prior to receiving the request, and initiating an error recovery process for the transferred data packet if the identifier is associated with the data packet.

In contrast, Coulson teaches a processor that uses a mass storage device for both main memory and mass storage. Coulson, Abstract. Data transferred from the mass storage device is buffered. Coulson, Fig. 3, Ref. 213. Error code correction is performed on data. Coulson, Fig. 2, Ref. 207. However, Coulson does not disclose a prefetching data packet, associating an identifier with the prefetched data packet prior to receiving the request, and initiating an error recovery process for the transferred data packet if the identifier is associated with the data packet. Applicants therefore assert that because Coulson does not teach all of the elements of claims 1, 6, 11, 16, 22, and 27 as amended, that claims 1, 6, 11, 16, 22, and 27 are allowable.

Imazato teaches error code monitors for two interconnected buses, one downstream of the other. Imazato, Abstract. Each may use a different error code configuration. Imazato, Col. 7, Lines 4-19. A first or 'A' monitor for a first or 'A' bus detects an error on a second or 'B' bus, so that even if a second or 'B' monitor fails, the 'A' monitor knows of the error. Imazato, Col. 4, Lines 33-46. The 'A' monitor may correct the error, and the 'A' and 'B' monitor may jointly detect errors to improve accuracy. Imazato, Col. 4, Line 57 – Col. 5, Line 13. However, Imazato

also does not teach prefetching data packets, associating an identifier with the prefetched data packet prior to receiving the request, and initiating an error recovery process for the transferred data packet if the identifier is associated with the data packet.

Claims 2, 7, 12, 17, 23, and 28 are canceled. Applicants have not specifically traversed the rejections of dependent claims 3, 4, 8-10, 13-15, 18-20, 24-26, 29, and 30 under 35 U.S.C. 102(a), but believe those claims to be allowable for depending from allowable claims.

Response to rejections of claims under 35 U.S.C. § 103(a)

Claims 5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coulson in view of Imazato. Applicant respectfully traverses these rejections.

Applicants submit that Coulson should not be considered in view of Imazato as setting a flag and signaling an interrupt to initiate an error recover process as disclosed by Imazato embodies substantially different functions, structures, and results from the present invention. Imazato, Col. 11, Lines 7-13, Lines 28-30. Imazato teaches error code monitors for two interconnected buses with different error code configurations. Imazato, Abstract; Col. 7, Lines 4-19. In contrast, the present invention is directed to an error code monitor for a single error code configuration. "It is not enough if both devices perform the same function when it is apparent from the patent drawings that the devices are differently constructed and perform that function in different ways." *Engel Indus. v. Lockformer Co.*, 96 F.3d 1398, 1406 (Fed. Cir. 1996). Applicants submit that Imazato should not be combined with Coulson as the functions and structures of Imazato are different from the present invention.

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Applicants further submit that the teaching or suggestion to combine Coulson and Imazato can only be found in the Applicant's disclosure. It is "impermissible to use the claims as a frame and the prior art references as a mosaic to piece together a facsimile of the claimed invention." *Uniroyal v. Rudkin-Wiley*, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988) (citing *W. L. Gore & Associates v. Garlock, Inc.*, 220 USPQ 303, 312). Applicants therefore submit that claims 5 and 21 are allowable. Applicants further submit that claims 5 and 21 are allowable as depending from allowable claims.

If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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